



Texas Department of Insurance

Division of Workers' Compensation

7551 Metro Center Drive, Suite 100 • Austin, Texas 78744-1645

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MEMORANDUM

DATE: August 26, 2011

TO: Workers' Compensation System Participants

FROM: Jeff Carothers, Workers' Compensation Counsel Section Chief

RE: Proposal: Amend 28 TAC §§141.2, 141.3 and 143.2 Regarding Canceling or Rescheduling a Benefit Review Conference, Failure to Attend a Benefit Review Conference and Description of the Appeals Panel, Respectively

The Texas Department of Insurance, Division of Workers' Compensation (TDI-DWC) is accepting public comment on the proposals to amend 28 Texas Administrative Code §§141.2, 141.3 and 143.2 regarding Canceling or Rescheduling a Benefit Review Conference, Failure to Attend a Benefit Review Conference and Description of the Appeals Panel, respectively.

The proposals will publish in the September 2, 2011, issue of the *Texas Register* and may be viewed on the Secretary of State website at <http://www.sos.state.tx.us/texreg/index.shtml> at that time. A courtesy copy of each proposal is available on the TDI website at <http://www.tdi.texas.gov/wc/rules/proposedrules/index.html>. The public comment period on the proposals closes Monday, October 3, 2011 at 5 p.m. Central Standard Time (CST).

Public comments may be submitted by e-mailing rulecomments@tdi.state.tx.us or by mailing or delivering the comments to Maria Jimenez:

Texas Department of Insurance, Division of Workers' Compensation
Workers' Compensation Counsel MS - 4D
7551 Metro Center Drive, Suite 100
Austin, Texas 78744 -1645

A public hearing on these proposals will be held on September 20, 2011 at 1:30 p.m. CST in the Tippy Foster Conference Room of the TDI-DWC, 7551 Metro Center Drive, Austin, Texas 78744-1645. The TDI-DWC provides reasonable accommodations for persons attending meetings, hearings, or educational events, as required by the Americans with Disabilities Act. If you require accommodations in order to attend the hearing please contact Idalia Salazar at 512-804-4403 at least two business days prior to the confirmed hearing date.

The hearing will also be audio streamed; to listen to the audio stream access the Public Outreach Events/Training Calendar website at <http://www.tdi.texas.gov/wc/events/index.html> and then click on the "Broadcast" link for the hearing. Media Player 7 (or new version) or RealPlayer 10 (or newer version) are required to hear the audio stream. Audio streaming will begin approximately five minutes before the scheduled time of the hearing.

The public hearing date, time, and location should be confirmed by those interested in attending or listening via audio stream; the hearing may be confirmed by visiting the Public Outreach Events/Training

Calendar website at <http://www.tdi.texas.gov/wc/events/index.html>. Written and oral comments presented at the hearing will be considered.

The purpose of these proposed amendments is to implement legislative changes made by House Bill (HB) 2605, 82nd Legislature, Regular Session to Texas Labor Code §410.028 that require the TDI-DWC by rule to define "good cause" for rescheduling a benefit review conference and to set deadlines for rescheduling those conferences. The proposed amendments also conform TDI-DWC rules governing the Appeals Panel with legislative changes made by HB 2605.

If there are any questions regarding the information in this memo, contact James Dodds at (512) 804-4725 or james.dodds@tdi.state.tx.us.